



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board

Date: August 22, 2013

From: Kristen Guichard, Assistant Town Planner *KGB*

Subject: **Application for Personal Wireless Facility (PWF) Special Permit
SBA Towers II, LLC**

The application, plan, and supporting materials are attached. Also attached are departmental review comments, and a memorandum from Isotrope LLC., the Board's technical review consultant (funding for this service is provided by the applicant). David Maxson of Isotrope will attend the hearing. He has assisted the Board on previous PWF special permit application. His expertise and advice help with many aspects of PWF applications, especially with the determination of whether or not there exists a significant coverage gap in a carrier's personal wireless service network and with the evaluation of alternative locations for the tower, and/or for the proposed carriers' antennae and equipment on other existing towers.

Location:	5 – 7 Craig Road
Town Atlas map/parcels:	H4 – 45 and H4-13
Zoning:	LI (Light Industrial) and Ground Water Protection District 2 (GWP-2)
Applicant:	SBA Towers II, LLC Brian S. Grossman, Esq., Prince Lobel Tye LLP, 100 Cambridge Street Suite 2200 Boston, MA 02114
Lot size:	3.65 acres
Record owner:	Palmer Realty, 7 Craig Road, Acton, MA
Application received:	June 28, 2013
Hearing opens:	August 20, 2013
Decision due date:	November 18, 2013

Please review other departmental comments provided in the package.

History:

In 2010 the Applicant, SBA Towers II applied for a wireless facility at this same location. The permit was denied on the basis that the applicant was not eligible for, and the Planning Board had no authority to grant the requested special permit because the one remaining carrier at the time, "Clearwire", was not qualified as a Personal Wireless Service under FCC Regulations. See Zoning

Bylaw Section 3.10.3.9 and 3.10.6.12 for special permit scope and related definition sections 3.10.3.9 and 3.10.3.11.

Overview:

The applicant has applied with a new application for a Wireless Facility Special Permit with a height in excess of the by-right 40 feet and a diameter in excess of the by-right 3 feet. The proposed carrier is AT&T, which is an eligible Personal Wireless Service Carrier. The applicant has also requested a waiver from the CAM (concealed antenna monopole) requirement to allow a monopole with externally mounted antennas. The applicant proposes a monopine style tower.

The Planning Department offers the following comments on the Wireless Facility Special Permit Application for 5 -7 Craig Road. This review is done with the zoning bylaw, Section 3.10 and its sub-sections, as a check list. Please review Section 3.10 for definitions, applicability, special permit standards, etc.

This review largely goes through 3.10 sub-section numbers sequentially calling out only those where we have made comments, observations, notes, or questions.

1. ZBL 3.10.4.4 – Any proposed lighting in or on the equipment compound must comply with ZBL 10.6 concerning light trespass and glare.
2. ZBL 3.10.6.3 – Plan sheet C-4 states that the tower shall only be illuminated as required by the Federal Communication Commission, Federal Aviation Administration or other State or Federal agency. This note should be modified to reflect Bylaw Section 3.10.6.3, which restricts any illumination of the tower. This section restricts the height of the tower to 175 feet or a height that is allowed without required illumination by the Federal Aviation Administration or Massachusetts Aeronautics Commission.
3. ZBL 3.5.1 (a) – Plan sheet C-4 states, “Verify monopine diameter with tower manufacturer.” The applicant should amend the plan to show the proposed diameter of antenna(s) and the antenna mounting apparatus and/or structures. (We assume the applicant is also applying for a special permit to increase the size which exceeds 3 feet in diameter.) The diameter of the tower might be relevant as to the design the Planning Board approves.
4. ZBL 3.10.6.4 – The applicant has requested a waiver from the CAM (concealed antenna monopole) requirement to allow a monopole with externally mounted antennae. This section requires use of CAM in general, but provides for a waiver where aesthetic considerations are less important. Although this is up to the Board’s determination, we recommend **not** granting the waiver. The results of the balloon test are not yet completed, but in light of the location, staff recommends against the monopine design at the proposed site as it seems out of place. Acton residents in many public planning sessions over the years have repeatedly identified the open fields and vista in this area of Town as a highly valuable asset. The Craig Road industrial park lies in a low spot and thus has not been a significant detractor. The proposed tower will be a change. Using a CAM would reduce the visual impact. ¹ Although fake tree examples can be viewed on the internet, the Board could require the applicant to provide photo shop images of

¹ A CAM, as Town Meeting understood it during the last revision of section 3.10 some 5 years back, is essentially a tall flag pole without any visible exterior mountings. There are several such towers in Acton, for instance a twin installation at Post Office Square. I cannot say whether or not definition creep occurred in the intermittent five years; but on the internet CAM’s are now often touted as fake pine, palm or other trees. For Acton’s purposes the flag pole should remain the standard for a CAM, everything else is an external antenna mounting system (flush mounted or extended with a frame or bracing).

various design option – say a flag pole, a monopole with externally mounted antennae, and a fake tree. All options should represent images for a tower in the proposed location at full capacity, i.e. with at technically feasible vertical tiers occupied.

5. ZBL 3.10.6.5 – The tower is proposed at 110 feet. The Plan shows one carrier, AT&T, and space for one future co-locator on the tower. It is unclear if the tower is structurally extendable to the maximum height allowed under Bylaw Section 3.10.6.3 to allow for additional co-locators. The applicant should use a tower structure that is structurally extendable as required by Section 3.10.6.5 of the Bylaw.
6. ZBL 3.10.6.9 – In the event of an approval, the Board should consider incorporating in a decision of approval all requirements a) through e) of this section. They are aimed to facility maximum use of any tower that is approved consistent with the purposes stated in section 3.10.1.
7. ZBL 3.10.6.10 – The Plan shows adequate fencing around the entire installation. The fencing includes barbed wire which seems to provide enough security against unauthorized climbing, but we defer to the Police Department for any additional safety concerns. The Plan sheet C-6 shows 14 Eastern Red Cedar trees surrounding the southeasterly and northeasterly side of the facility.
8. ZBL 3.10.6.11 – Provides that the Planning Board may require that all ground equipment be placed inside a building. This does not seem necessary or appropriate here.
9. ZBL 3.10.6.12 – We defer to the Town’s IT Department and Public Safety Department.
10. ZBL 3.10.6.13 – If the tower is approved, this section must be incorporated into the decision of approval to ensure proper removal of the tower if and when its use has ended.
11. ZBL 3.10.6.14 – Provides that the Planning Board when granting a special permit may require future report filings with the Town certifying continued compliance with zoning and the special permit, and all applicable State and Federal requirements. Given the location, we would not find it necessary or useful to require such reports more frequently than every five years.
12. ZBL 3.10.6.16 – A balloon test will take place on Saturday September 7, 2013. The date will be appropriately announced in the newspaper. From this test, the applicant will prepare a visibility report as required in this section. All photo-simulations should be taken with a 50mm lens focal length to provide the most normal perspective with respect to human vision and should be labeled as such.
13. ZBL 3.10.6.17 b) through e) – At the hearing the applicant should be prepared to
 - explain the rationale and process for selecting this particular site;
 - demonstrate that there exists a significant gap for the proposed carriers that this facility can address;
 - explain how the proposed facility provides service coverage to the significant gap;
 - address the availability/feasibility of co-location on existing towers in Acton or Concord by the proposed carriers;
 - report on investigations of other potentially suitable sites for this tower; and
 - report on possible other available methods to provide service to the significant gap such as a lower tower, smaller repeater devices, etc., with implications, consequences, and effects for each such alternative.

We defer to the technical review and participation at the hearing by David Maxson, Isotrope LLC., to assist and advise the Board on evaluating the applicant’s statements in these matters.

14. ZBL 3.10.6.17 g) –The proposed tower is proposed to be painted brown to the bottom branches of the monopine. See # 3 above, typically a light gray works best in connections with a flag pole design.
15. ZBL 3.10.6.19 – The Applicant should take full responsibility for the full transcription or recording of the oral hearings.

16. Other:

- The Applicant should amend the plans and subsequent information to clarify that the site consists of both 5 and 7 Craig Road and are in common ownership.
- The proposed tower appears to comply with all setback requirements of the bylaw.
- While a driveway from Craig Road to the tower and equipment compound is delineated within a specified lease area, the plan proposes to use the existing gravel surface on the lot for access, making improvements if needed.
- The zoning table on the plan shows open space at +/-81.32% and impervious cover at +/-67.19%, the applicant should amend the calculations as the total is well over 100%.
- The proposal is nonconforming in regards to the minimum open space, minimum undisturbed open space, and maximum impervious cover requirements of the Light Industrial zoning district and Groundwater Protection District Zone 2. However, these site conditions are preexisting and the project would be adding a little open space with the proposed landscaping.
- The plan shows an area of wetlands on the northern back portion of 5 and 7 Craig Road yet the zoning information table shows “0%” of wetlands. The applicant should amend the table to include total area covered by wetlands.
- The zoning information table shows 9.8 feet for the proposed building height. The Applicant should add another row in the table to include the height of the proposed tower.
- Aerial views indicate, and a site drive-by confirms, that the area where the tower and equipment compound are proposed is presently used for truck parking by the property owner, who runs a warehouse/distribution/moving business. The owner should explain how this proposed change will affect truck operations, and particularly whether or not any changes will cause a spill over into Craig Road, a public way.
- ZBL Section 10.3, the general section of the zoning bylaw for special permits, provides that the special permit granting authority may require the installation of a sidewalk along the entire frontage. In this case, if the special permit is granted, I recommend that the applicant be given the alternative choice to contribute to the Town of Acton sidewalk fund: \$50/linear foot * 445 feet = \$22,250.
- The site’s current build-out is at approximately FAR 0.18. The zoning maximum is FAR 0.20. If the internal floor to ceiling height of the proposed and potential future equipment shelters is more than 6 feet, they will add to the existing floor area on the site, bring the FAR number closer to, but not exceeding, the FAR 0.20 limit.